

### REMARKS

Claims 1-5 remain herein. Minor editorial changes have been made to claims 1, 3 and 4 for clarity.

Applicants thank the Examiner for acknowledgment of priority under 35 USC § 120, and consideration of the reference cited in Applicant's Information Disclosure Statement as evidenced by the signed and return PTO Form-1449.

Applicants affirm the election of claims 1-5 for further prosecution.

Claim 1 was rejected under 35 U.S.C. § 103(a) over Mizuno in view of Shioiri.

Applicants respectfully traverse the rejection.

Applicants initially note that while the stated rejection of claim 1 is over the combination of Mizuno in view of Shioiri, the rationale of the Office Action relies upon the Admitted Prior Art ("APA") to provide what is lacking from Mizuno. The Office Action never specifically cites to or applies Shioiri against Applicants' claim 1. Thus, Applicants respond to the rejection as one under 35 U.S.C. § 103(a) over Mizuno in view of the APA.

The Office Action acknowledges that Mizuno does not teach a polycrystalline interface layer between a polycrystalline layer and an electrical insulating error as recited in Applicants' claim 1. To supply what is lacking from Mizuno, the Office Action identifies element 33 of the APA as a polycrystalline interface layer. However, element 33 is an amorphous layer, not a polycrystalline layer. See, *e.g.*, the instant application at page 2, lines 17-21. The labeling of element 33 in the APA as a polycrystalline layer is therefore inaccurate, and cannot support the instant rejection.

As acknowledged by the Office Action, none of the applied references discloses a polycrystalline interface layer between a polycrystalline layer and an electrical insulating layer as recited in Applicants' claim 1. Since the teaching is also not found in the APA, the combination proposed by the Office Action does not meet every limitation of claim 1. In the absence of such teachings, there is no motivation or suggestion to modify Mizuno in the manner proposed by the Office Action. Accordingly, the rejection of claim 1 may not be properly maintained. Withdrawal of the rejection and allowance of claim 1 are therefore requested.

The status of claims 2, 4 and 5, which depend from claim 1 (either directly or through intervening claims) is unclear. The Office Action does not include any express rejection of claims 2 and 5, which are only mentioned in the rationale for the rejection of claim 1. There is a specific rejection of claim 4, but the accompanying rationale is for a rejection of claim 3. Applicants therefore understand claims 2, 4 and 5 to be rejected under 35 U.S.C. § 103(a) over Mizuno in view of Shioiri and the APA. For the reasons discussed with respect to claim 1, dependent claims 2, 4 and 5 are patentably distinct over the applied art. Withdrawal of the rejection of these dependent claims and allowance of the same are therefore requested.

The status of claim 3, which depends from claim 1 through claim 2, is unclear. The Office Action does not include any express rejection of claim 3, with the only mention of claim 3 being included in the rationale for the rejection of claim 4. In view of the substance of the rationale for the rejection of claim 4, Applicants believe that this stated rejection is a typographical error, and that the rejection is of claim 3. Applicants therefore understand claim 3 to be rejected under 35 U.S.C. § 103(a) over Mizuno in view of Shioiri and Ishikawa (the stated rejection of claim 4) as well as in view of the APA (as applied in the rejection of independent

claim 1). For the reasons discussed with respect to claim 1, dependent claim 3 is patentably distinct over the applied art. Withdrawal of the rejection of claim 3 and allowance of the same are therefore requested.

Accordingly, the application is now in condition for allowance and a notice to that effect is earnestly solicited.

If a telephone conference would be of value, the Examiner is requested to call the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28978.0001).

Respectfully submitted,

STEPTOE & JOHNSON LLP



Roger W. Parkhurst, Reg. No. 25,177  
Scott D. Watkins, Reg. No. 36,715

Date: May 18, 2005

1330 Connecticut Avenue, NW  
Washington, DC 20036  
Tel: 202-429-3000  
Fax: 202-429-3902